

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WSOU INVESTMENTS, LLC, d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

F5 NETWORKS, INC.,

Defendant.

No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development
("Plaintiff"), through its attorneys, complains of F5 Networks, Inc. ("Defendant"), and alleges
the following:

PARTIES

1. Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development is a
corporation organized and existing under the laws of Delaware that maintains its principal place
of business at 605 Austin Avenue, Suite 6, Waco, Texas 76701.

2. Defendant F5 Networks, Inc. is a corporation organized and existing under the
laws of Washington that maintains its principal place of business at 801 5th Avenue, Seattle,

1 Washington 98104.

2 **JURISDICTION**

3 3. This is an action for patent infringement arising under the patent laws of the
4 United States, Title 35 of the United States Code.

5 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and
6 1338(a).

7 5. This Court has personal jurisdiction over Defendant because it has engaged in
8 systematic and continuous business activities in this District. As described below, Defendant has
9 committed acts of patent infringement giving rise to this action within this District.
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11 **VENUE**

12 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant
13 maintains its principal place of business in this District, has committed acts of patent
14 infringement in this District, and has an established place of business in this District. In addition,
15 Plaintiff has suffered harm in this District.
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17 **PATENT-IN-SUIT**

18 7. Plaintiff is the assignee of all right, title and interest in United States Patent No.
19 7,860,000 (the “Patent-in-Suit”); including all rights to enforce and prosecute actions for
20 infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit.
21 Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action
22 for infringement of the Patent-in-Suit by Defendant.
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THE '000 PATENT

8. The '000 Patent is entitled "Apparatus, methods and computer program products providing estimation of activity factor and enhanced radio resource management," and issued 12/28/2010. The application leading to the '000 Patent was filed on 11/15/2007. A true and correct copy of the '000 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '000 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '000 PATENT

10. Plaintiff incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '000 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '000 Patent also identified in the charts incorporated into this Count below (the "Exemplary '000 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '000 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '000 Patent Claims, by having its employees internally test and use these Exemplary Products.

1 13. **Actual Knowledge of Infringement.** The service of this Complaint upon
2 Defendant constitutes actual knowledge of infringement as alleged here.

3 14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer
4 for sale, market, and/or import into the United States, products that infringe the '000 Patent. On
5 information and belief, Defendant has also continued to sell the Exemplary Defendant Products
6 and distribute product literature and website materials inducing end users and others to use its
7 products in the customary and intended manner that infringes the '000 Patent. Examples of such
8 product literature and website materials include the following:
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- 10 • [https://techdocs.f5.com/kb/en-us/products/big-ip_ltm/manuals/product/ltm-
12 implementations-13-1-0.html](https://techdocs.f5.com/kb/en-us/products/big-ip_ltm/manuals/product/ltm-
11 implementations-13-1-0.html)

13 15. **Induced Infringement.** Defendant therefore actively, knowingly, and
14 intentionally has been and continues to induce infringement of the '000 Patent, literally or by the
15 doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in
16 end-user products in a manner that infringes one or more claims of the '000 Patent.

17 16. **Contributory Infringement.** Defendant therefore actively, knowingly, and
18 intentionally has been and continues materially contribute to their own customers' infringement
19 of the '000 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant
20 Products to their customers for use in end-user products in a manner that infringes one or more
21 claims of the '000 Patent. The Exemplary Defendant Products are especially made or adapted for
22 infringing the '000 Patent and have no substantial non-infringing use. For example, in view of
23 the preceding paragraphs, the Exemplary Defendant Products contain functionality which is
24 material to at least one claim of the '000 Patent.
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1 17. Exhibit 2, and corresponding reference exhibits, includes charts comparing the
2 Exemplary '000 Patent Claims to the Exemplary Defendant Products. As set forth in these
3 charts, the Exemplary Defendant Products practice the technology claimed by the '000 Patent.
4 Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements
5 of the Exemplary '000 Patent Claims.
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7 18. Plaintiff therefore incorporates by reference in its allegations herein the claim
8 charts of Exhibit 2, and corresponding reference exhibits.

9 19. Plaintiff is entitled to recover damages adequate to compensate for Defendant's
10 infringement.
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12 **JURY DEMAND**

13 20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
14 requests a trial by jury on all issues so triable.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff respectfully requests the following relief:

- 17 A. A judgment that the '000 Patent is valid and enforceable
18 B. A judgment that Defendant has infringed directly, contributorily, and/or induced
19 infringement of one or more claims of the '000 Patent;
20 C. An accounting of all damages not presented at trial;
21 D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284
22 for Defendant's past infringement with respect to the '000 Patent.
23 E. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284
24 for Defendant's continuing or future infringement, up until the date such judgment
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1 is entered with respect to the '000 Patent, including pre- or post-judgment interest,
2 costs, and disbursements as justified under 35 U.S.C. § 284;

3 F. And, if necessary, to adequately compensate Plaintiff for Defendant's
4 infringement, an accounting:

- 5 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285
6 and that Plaintiff be awarded its reasonable attorneys' fees against Defendant
7 that it incurs in prosecuting this action;
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9 ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this
10 action; and
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12 iii. that Plaintiff be awarded such further relief at law or in equity as the Court
13 deems just and proper.
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